FBI WASH DC

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FBI NEW ORLS

4-37 PM 2-27-69 URGENT DAO

TO DIRECTOR 62-109060 AND DALLAS 89-43

FROM NEW ORLEANS 89-69 8P

ASSASSINATION OF PRESIDENT JOHN FITZGERALD KENNEDY, DALLAS, TEXAS, NOVEMBER TWENTYTWO, NINETEEN SIXTYTHREE. MISC. - INFO CONCERNING. OO:DALLAS.

RE NEW ORLEANS TELS, FEBRUARY TWENTYSIX, LAST.

THERE APPEARED IN THE FEBRUARY TWENTYSEVEN INSTANT ISSUE OF THE NEW ORLEANS TIMES-PICAYUNE NEWSPAPER AN ARTICLE REPORTING THE TRIAL OF CLAY L. SHAW DURING THE AFTERNOON SESSION ON FEBRUARY TWENTYSIX LAST. THIS ARTICLE CONTAINED ADDITIONAL INFO RE THE TESTIMONY OF JAMES R. PHELAN NOT SET FORTH IN REFERENCED COMMUNICATIONS.

PHELAN, A DEFENSE WITNESS, TESTIFIED THAT HE CONFRONTED ASSISTANT DA SCIAMBRA ABOUT THE OMISSION OF ANY INFO RE AN ASSASSINATION PLOT IN SCIAMBRA'S MEMO ON HIS INTERVIEW WITH PERRY RAYMOND RUSSO AT BATON ROUGE. HE TESTIFIED THAT SCIAMBRA TOLD HIM THAT PHELAN DID NOT KNOW WHAT HE WAS TALKING ABOUT.

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UPON FURTHER QUESTIONING BY THE DEFENSE, PHELAN, TESTIFIED THAT HE BROUGHT THE OMISSIONS IN SCIAMBRA'S

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DA GARRISON. PHELAN TESTIFIED THAT DURING INTERVIEWS WITH RUSSO, RUSSO INDICATED HE WANTED TO MEET CLAY SHAW TO BE SURE OF HIS IDENTIFICATION OF SHAW. AS A RESULT, PHELAN CONTACTED SHAW'S DEFENSE ATTORNEYS AND SHAW WAS COMPLETELY AGREEABLE TO THIS MEETING. HOWEVER, RUSSO SUBSEQUENTLY BACKED OFF FROM THIS MEETING. HE TESTIFIED RUSSO TOLD HIM THE REASON HE BACKED OUT IS THAT IF WORD OF THIS MEETING EVER GOT BACK TO DA GARRISON THAT DA GARRISON WOULD "CLOBBER HIM."

PHELAN TESTIFIED THAT RUSSO HAD EXPRESSED FEAR OF REPRISAL FROM DA GARRISON IF RUSSO SHOULD CHANGE HIS TESTIMONY. HE TESTIFIED THAT RUSSO HAD INDICATED TO HIM THAT RUSSO WAS SORRY HE HAD EVER COME FORWARD AS A WITNESS AND FELT TRAPPED AND IF HE TRIED TO CHANGE HIS STORY, HE WOULD PROBABLY CHARGED BY GARRISON AND WOULD LOSE HIS JOB.

UPON CROSS-EXAMINATION BY THE PROSECUTION, PHELAN WAS QUESTIONED EXTENSIVELY RE HIS INTERVIEWS WITH RUSSO.

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HE TESTIFIED THAT ON ONE OCCASION ASSISTANT DA SCIAMBRA TOLD PHELAN THAT THE REASON THE ASSASSINATION PLOT WAS NOT IN HIS MEMO, WAS THAT BECAUSE "I FORGOT TO PUT IT IN."

HE TESTIFIED THAT IT WAS AT THE END OF HIS INITIAL INTERVIEW WITH RUSSO THAT HE BROUGHT OUT THE DISCREPANCIES BETWEEN SCIAMBRA'S MEMO AND RUSSO'S TESTIMONY AT THE PRELIMINARY HEARING. HE TESTIFIED THAT RUSSO TOLD HIM THAT HE WAS FIRST TOLD OF THE CONSPIRACY PLOT AFTER HE CAME TO NEW ORLEANS TO BE INTERROGATED BY THE DISTRICT ATTORNEY AND NOT DURING THE EARLIER QUESTIONING IN BATON ROUGE BY ASSISTANT DA SCIAMBRA.

PHELAN WAS THEN QUESTIONED RE THE WRITING OF HIS ARTICLE FOR THE SATURDAY EVENING POST MAGAZINE AS WELL AS HIS ASSOCIATION WITH THE NATIONAL BROADCASTING CO. IN MAY, NINETEEN SIXTYSEVEN, DURING THE TIME NBC WAS PREPARING A DOCUMENTARY ABOUT THE CASE.

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HE TESTIFIED HE TOLD RUSSO DURING ONE OF THE INTERVIEWS THAT RUSSO WOULD BE A PATSY IF CLAY SHAW WERE FOUND NOT GUILTY BECAUSE RUSSO WAS THE MAN WHO HAD MADE THE ACCUSATION AND THAT DA GARRISON'S CASE RESTED SOLELY ON RUSSO'S TESTIMONY.

THE NEXT DEFENSE WITNESS CALLED WAS IDENTIFIED AS MRS. JESSE GARNER OF NEW ORLEANS, LA. WHO TESTIFIED THAT SHE RENTED AN APARTMENT TO LEE HARVEY OSWALD ON MAGAZINE ST. IN NEW ORLEANS IN NINETEEN SIXTYTHREE. SHE TESTIFIED THAT FROM MAY TO MID-SEPTEMBER, NINETEEN SIXTYTHREE, SHE NEVER SAW OSWALD WEAR A BEARD AND HE APPEARED TO BE VERY NEAT IN HIS PERSONAL APPEARANCE. SHE TESTIFIED SHE HAD NEVER HEARD OSWALD MENTION THE NAME OF CLAY SHAW AND THAT SHE HAD NEVER SEEN SHAW PRIOR TO HIS PICTURE BEING IN THE NEWSPAPER RE THIS MATTER.

SHE TESTIFIED AFTER BEING SHOWN A PHOTO OF DAVID FERRIE THAT FERRIE HAD COME TO HER RESIDENCE ON MAGAZINE ST. EITHER

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THE NIGHT OF THE ASSASSINATION OR THE NIGHT AFTER. SHE STATED THAT AT THIS TIME, THERE WERE A LOT OF PEOPLE IN AND OUT OF HER RESIDENCE AND AFTER A FEW MINUTES WHEN SHE DETERMINED THAT FERRIE WAS NOT A FEDERAL AGENT ON OFFICIAL GOVERNMENT BUSINESS, SHE ASKED HIM TO LEAVE. SHE TESTIFIED THAT FERRIE WAS ALONE ON THIS OCCASION. SHE TESTIFIED THAT MRS. OSWALD LEFT THE APARTMENT DURING THE DAY BETWEEN SEPTEMBER TWENTYONE AND TWENTYTHREE, NINETEEN SIXTYTHREE, AND THAT OSWALD STAYED A SHORT WHILE LONGER BEFORE LEAVING LATER THAT SAME DAY.

UPON BEING CROSS-EXAMINED BY THE PROSECUTION, MRS. GARNER TESTIFIED THAT SHE DID NOT HAVE ANY LENGHTY CONVERSATIONS WITH OSWALD.

THE NEXT DEFENSE WITNESS WAS IDENTIFIED AS LIEUTENANT EDWARD M. O'DONNELL, A MEMBER OF THE NEW ORLEANS PD.

O'DONNELL TESTIFIED THAT ON JUNE NINETEEN, NINETEEN SIXTYSEVEN, HE HAD CONDUCTED AN INTERVIEW OF PERRY RAYMOND RUSSO. HE TESTIFIED THAT DURING THIS INTERVIEW HE ASKED

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RUSSO WHY HE HAD TESTIFIED AS HE DID THREE MONTHS EARLIER AT THE PRELIMINARY HEARING. RUSSO TOLD O'DONNELL THAT WHEN HE GOT TO COURT FOR THE PRELIMINARY HEARING, HE CAME WITH ALL INTENTIONS OF TELLING THE TRUTH BUT WAS "TURNED ON" BY THE DEFENSE ASKING RUSSO IF HE BELIEVED IN GOD, AND DECIDED THEN AND THERE THAT HE WOULD BURY THE DEFENSE.

O'DONNELL TESTIFIED THAT DURING THIS INTERVIEW WITH RUSSO, RUSSO TOLD HIM THAT CLAY L. SHAW WAS NOT AT THE SEPTEMBER, NINETEEN SIXTYTHREE, PARTY AT THE APARTMENT OF DAVID FERRIE. HE TESTIFIED THAT RUSSO HAD ASKED IF O'DONNELL COULD LET RUSSO SEE GARRISON'S CASE FILE AGAINST SHAW BECAUSE HE WANTED TO SEE HOW STRONG A CASE GARRISON HAD AS THIS WOULD ASSIST HIM IN DECIDING HOW HE WOULD TESTIFY.

UPON CROSS-EXAMINATION BY THE PROSECUTION, O'DONNELL TESTIFIED THAT IMMEDIATELY AFTER RUSSO MADE THE STATEMENT THAT SHAW WAS NOT AT THE PARTY, HE FURNISHED A WRITTEN REPORT OF HIS INTERVIEW TO DA GARRISON.

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SUBSEQUENTLY, HE WAS CONFRONTED BY GARRISON WITH RUSSO PRESENT AT WHICH TIME RUSSO DENIED THAT HE HAD EVER TOLD O'DONNELL THAT SHAW WAS NOT AT THE PARTY. THE AFTERNOON SESSION WAS THEN RECESSED AND IT WAS EXPECTED THAT O'DONNELL WOULD BE CALLED TO THE STAND ON THE MORNING OF FEBRUARY TWENTYSEVEN FOR ADDITIONAL CROSS-EXAMINATION BY THE PROSECUTION.

NO LHM BEING SUBMITTED.

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